

Borough of Roosevelt  
 33 N. Rochdale Avenue  
 Roosevelt, NJ 08555

Mayor and Council  
 Regular Meeting Minutes of October 2, 2023

Mayor Malkin opened the meeting at 7:07 p.m. and read the Open Public Meetings Act notice which stated, Adequate notice of this meeting, as required by Chapter 231, P.L. 1975, has been provided by a public notice on January 6, 2023 which was posted on the Bulletin Board Roosevelt Post Office and in the Borough Hall. The notice was published in The Times and Asbury Park Press.

ROLL CALL:

|  | PRESENT | ABSENT | LATE ARRIVAL |
|--|---------|--------|--------------|
| <i>Councilmember Robert Atwood</i>       | ✓       |        |              |
| <i>Councilmember Lou Esakoff</i>         | ✓       |        |              |
| <i>Councilmember Michael Hamilton</i>    |         | ✓      |              |
| <i>Councilmember Constance Herrstrom</i> | ✓       |        |              |
| <i>Councilmember Steven Macher</i>       | ✓       |        |              |
| <i>Councilmember Joe Trammell</i>        | ✓       |        |              |
| <i>Mayor Peggy Malkin</i>                | ✓       |        |              |

Also in attendance: Greg Cannon, Esq., Borough Attorney and Kathleen Hart, Borough Clerk.

MAYOR’S REPORT: None

PUBLIC COMMENT (Agenda items only)

M/Malkin opened the meeting to Public Comment for agenda items only at 7:08 p.m.

1. Michael Ticktin, 37 N Valley Road: Would like to comment on the Wildlife Feeding Ordinance as it might be addressing a problem that doesn’t exist. Is it something the DEP is requiring us to do?  
 M/Malkin stated yes this is a requirement from the DEP.
2. C/Herrstrom asks if the resolution will be on tonight’s agenda for professional services contract for forestry services so the public can comment? M/Malkin stated yes we will need to amend the agenda to include the resolution.

M/Malkin asked for a motion amend the agenda to include Resolution 23-107 Resolution Approving Professional Services Contract for Forestry Services with Gracie & Harrigan Consulting Foresters, Inc. to Perform a Forest Inventory and Assessment within the Borough.

C/Esakoff made a motion to amend the agenda to include Resolution 23-107 Resolution Approving Professional Services Contract for Forestry Services with Gracie & Harrigan Consulting Foresters, Inc. to Perform a Forest Inventory and Assessment within the Borough with a second offered by C/Atwood the resolution has been added by the following roll call vote:

Roll Call:

AYES: C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, C/Trammell  
 NAYS: None ABSTAIN: None ABSENT: C/Hamilton

3. Ellen Silverman, 10 N Valley Road: Thanked the Council for adding the resolution as this is for a woodland inventory. This is paid through a grant the Borough received.

- 4. Jeb Shahn, 18 Tamara Drive: Asked how she can get a copy of an Ordinance 2023-10? Municipal Clerk, Kathleen Hart responds if the Ordinance passes tonight it will be posted on the Borough Website in a day or two and can give her a copy tonight.
- 5. Dave Herrstrom, 15 Farm Lane: The Roosevelt Arts Project would like to offer to the Borough a clip rail gift so that RAP and other organizations would be able to use in the meeting room. A presentation will be done under New Business.

M/Malkin closed the Public Comment for agenda items at 7:15 p.m.

CORRESPONDENCE:

- 1. Thomas Planning Associates, LLC Planning Report Wineries, dated September 8, 2023.

ORDINANCES:

FIRST READING:

ORDINANCE 2023-10                    AN ORDINANCE OF THE BOROUGH OF ROOSEVELT  
 AUGMENTING THE BOROUGH CODE TO INCLUDE NEW  
 SECTION 9-22: "YARD WASTE COLLECTION" UNDER CHAPTER  
 9: "REFUSE AND RECYCLING" TO ESTABLISH STANDARDS  
 FOR THE COLLECTION OF YARD WASTE WITHIN THE  
 BOROUGH

C/Esakoff made a motion to adopt on first reading Ordinance 2023-10, with a second offered by C/Herrstrom.

Roll Call:

AYES:            C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, Trammell  
 NAYS:            None                    ABSTAIN:    None                    ABSENT:        C/Hamilton

Public Hearing to be held on October 16, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

FIRST READING:

ORDINANCE 2023-11                    AN ORDINANCE OF THE BOROUGH OF ROOSEVELT  
 AUGMENTING THE BOROUGH CODE TO INCLUDE NEW  
 SECTION 12-7: "SALT STORAGE" UNDER CHAPTER 12:  
 "PROPERTY MAINTENANCE" TO ESTABLISH STANDARDS FOR  
 THE STORAGE OF SALT AND OTHER SOLID DE-ICING  
 MATERIALS

C/Esakoff made a motion to adopt on first reading Ordinance 2023-11, with a second offered by C/Atwood.

Roll Call:

AYES:            C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, C/Trammell  
 NAYS:            None                    ABSTAIN:    None                    ABSENT:        C/Hamilton

Public Hearing to be held on October 16, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

FIRST READING:

ORDINANCE 2023-12                    AN ORDINANCE OF THE BOROUGH OF ROOSEVELT  
 AUGMENTING THE BOROUGH CODE TO INCLUDE NEW  
 SECTION 5-14: "WILDLIFE FEEDING" UNDER CHAPTER 5:  
 "ANIMAL CONTROL" TO PROHIBIT THE FEEDING OF

UNCONFINED WILDLIFE IN PUBLIC PARKS AND/OR ON PUBLIC PROPERTY

C/Esakoff made a motion to adopt on first reading Ordinance 2023-12, with a second offered by C/Herrstrom.

Roll Call:

AYES: C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, C/Trammell

NAYS: None ABSTAIN: None ABSENT: C/Hamilton

Public Hearing to be held on October 16, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

FIRST READING

ORDINANCE 2023-13

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2022-04 ADOPTED ON MAY 2, 2022, PROVIDING FOR IMPROVEMENTS TO TAMARA DRIVE BETWEEN PINE DRIVE AND SOUTH ROCHDALE AVENUE, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$155,000 FOR A TOTAL APPROPRIATION OF \$574,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$155,000 FOR A TOTAL DEBT AUTHORIZATION OF \$574,000, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF ROOSEVELT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

C/Trammell made a motion to adopt on first reading Ordinance 2023-13, with a second offered by C/Esakoff.

Roll Call:

AYES: C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, C/Trammell

NAYS: None ABSTAIN: None ABSENT: C/Hamilton

Public Hearing to be held on October 16, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

FIRST READING

ORDINANCE 2023-14

AN ORDINANCE AMENDING SCHEDULE A OF CHAPTER Z: "ZONING" TO INCREASE, ELIMINATE, AND IMPLEMENT CERTAIN ADMINISTRATIVE FEES

C/Esakoff made a motion to adopt on first reading Ordinance 2023-13, with a second offered by C/Atwood.

Roll Call:

AYES: C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, C/Trammell

NAYS: None ABSTAIN: None ABSENT: C/Hamilton

Public Hearing to be held on November 20, 2023 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555

CONSENT AGENDA RESOLUTIONS:

Resolution 23-101 Payment of Bills for October 2, 2023

- Resolution 23-102 A Resolution to Affirm the Borough of Roosevelt’s Civil Rights Policy with Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that come into Contact with Municipal Employees, Officials and Volunteers
- Resolution 23-103 A Resolution Adopting the Borough’s New Personnel Policies and Procedures Manual and Employee Handbook Pursuant to the Municipal Excess Liability Joint Insurance Fund’s Recommended Employment Practices
- Resolution 23-104 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
- Resolution 23-105 Resolution of The Borough Council of the Borough of Roosevelt Waiving July/August Water and Sewer Utility Billings for 5 & 6 Cedar Court
- Resolution 23-106 A Resolution Authorizing a Reduction of the Water/Sewer Utility for the May-June 2023 Billing Cycling to Block 2 Lot 54 for 52 Pine Drive

C/Trammell states that Resolution 23-105 relates to the house fire and Resolution 23-106 relates to a bad valve and meter.

C/Esakoff made a motion to adopt the Consent Agenda Resolutions 23-101 through 23-106, with a second offered by C/Atwood.

Roll Call:

AYES: C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, C/Trammell  
 NAYS: None ABSTAIN: None ABSENT: C/Hamilton

REPORTS OF COMMITTEE CHAIRS:

Environmental, Health & Safety: No Report.

Administration: No Report.

Finance: No Report.

Community Dev/Code: C/Herrstrom reports that we are still waiting to hear if we received the grant regarding the Amphitheater which should be sometime this month. The Senior group is meeting on October 3, 2023 at Borough Hall; discussion will be on what services Monmouth County Office on Aging can provide. M/Malkin announces there will be a Free Mobile Clinic on November 13, 2023 from 10:30am-1:00pm. They will be offering free screenings and shots.

Public Works: C/Macher reports storm drains have been cleaned and sent out 4 fire extinguishers for service. M/M announces Bulk Pick-up will be October 16, 2023.

Utilities: C/Trammell reports AT&T ripping out old copper lines and replacing with fiber. C/Trammell wants to look at the flat files to figure out where pipes are.

REPORTS

1. Certificate of Determination and Award: This is a report on the BAN that was prepared by George Lang, CFO, this is due every year and matures in September 2024. The Borough Attorney explained how BAN works. They are 10 year notes. You pay 10% of the note, plus interest each year.

REPORTS OF BOROUGH OFFICIALS:

Ellen Silverman, 10 N Valley Road – Environmental Commission: A lot of work needs to be done on the trails, especially before the Art Walk. The rain has caused quite a mess.

## UNFINISHED BUSINESS:

M/Malkin discussed that at the last council meeting the Borough Engineer reported on the roof leak at the Water Treatment Plant. Originally we went out for quotes and received only one at \$17,000 (2 years ago). However, the Council did not act. Now 2 years later we were given a quote of \$29,700 (from the only person who has given us a quote) and again Council did not act. Carmella Roberts has stated if she goes out to bid we are looking at between \$50,000 and \$70,000. It's for engineering, prevailing wage...everything. Only one person has come out and he is the only one willing to do the work. We can declare an emergency and Pfister will come out and do what needs to be done or if you still want to go out to bid, it will be \$50,000-\$70,000. C/Trammell asked if we can ask for estimate to replace the roof. M/Malkin said we have gone out for quotes. This has gone on for two years and water is leaking into the water treatment plant. The Borough Attorney will forward the emails out again to the Council to review the steps that have been taken. C/Trammell would like to move this to the next meeting. The Council discussed. M/Malkin declared an emergency and C/Esakoff made a motion to adopt Resolutions 23-108, with a second offered by C/Atwood.

Attorney, Greg Cannon, Esq. reads Resolution 23-108 in full.

Resolution 23-108 Resolution awarding Emergency Contract for the Repair and/or Replacement of the Leaking Roof of the Borough's Water Treatment Plant.

WHEREAS, the Borough of Roosevelt, County of Monmouth, State of New Jersey (the "Borough") owns and operates a water system as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, on or about May 23, 2023, the Borough's Public Works Department determined that the roof of the Borough's water treatment plant is leaking and requires immediate repair and replacement; and

WHEREAS, the Borough's Public Works Department advised that failing to immediately repair/replace the roof of the Borough's water treatment plant would create an emergency affecting the public health, safety and welfare of the Borough's residents; and

WHEREAS, in accordance with N.J.S.A. 40A:11-6, the Borough's Mayor advised the Borough's Purchasing Agent in writing of the nature and necessity of an emergency contract to repair/replace the roof of the Borough's water treatment plant, which written notification is attached hereto as Exhibit A; and

WHEREAS, the Borough's Purchasing Agent was able to obtain a quote from Pfister Roofing, Inc. in the amount of \$29,700.00 to immediately repair/replace the roof of the Borough's water treatment plant, which quote is attached hereto as Exhibit B; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Borough is authorized to award contracts for goods and services without public advertising for bids and bidding therefor, regardless of whether or not the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey that the Borough Purchasing Agent's emergency award of a contract in the amount of \$29,700.00 to Pfister Roofing, Inc. for the immediate repair and replacement of the roof of the Borough's water treatment plant is hereby ratified and approved;

AND, BE IT FURTHER RESOLVED that the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey hereby authorizes the Borough CFO and/or Borough Purchasing Agent to remit payment, in accordance with the Borough's policies and procedures, to Pfister Roofing, Inc. in accordance with N.J.S.A. 40A:11-6;

AND, BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided by the Borough Clerk to each of the following:

- 1. Borough CFO
- 2. Borough Purchasing Agent
- 3. Borough Public Works
- 4. Pfister Roofing

Roll Call:

AYES: C/Atwood, C/Esakoff, C/Herrstrom

NAYS: C/Macher, C/Trammell ABSTAIN: None ABSENT: C/Hamilton

Resolution 23-108 is adopted.

NEW BUSINESS:

- 1. Resolution 23-107 Resolution Approving Professional Services Contract for Forestry Services with Gracie & Harrigan Consulting Foresters, Inc. to Perform a Forest Inventory and Assessment within the Borough.

WHEREAS, the protection and health of our natural resources are important to all residents of the Borough of Roosevelt, County of Monmouth, State of New Jersey (the "Borough"); and

WHEREAS, the Borough's Environmental Commission has studied and recommended that the Borough manage our forest inventory and assessment of approximately 175 acres of forest land in the Borough; and

WHEREAS, the Borough has obtained a Proposal from a Certified Forester Gracie & Harrigan Consulting Foresters, Inc. to perform the aforesaid forest inventory and assessment at a proposed cost of \$4,000.00 for said forestry services.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Roosevelt authorizes the Borough to enter into a contract in the amount of \$4,000.00 with Gracie & Harrigan Consulting Foresters, Inc. under terms presented in the Proposal attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that this Resolution shall be accompanied by a Certification of Availability of Funds from the Borough's CFO, and is subject to the availability of funds and/or any subsequent approvals granted by the Governing Body from time-to-time under the terms of the contract; and

BE IT FURTHER RESOLVED that a notice in accordance with this Resolution and the Local Public Contracts Law shall be published one time in Asbury Park Press; and

BE IT FURTHER RESOLVED that Gracie & Harrigan Consulting Foresters, Inc. shall complete and file a Business Entity Disclosure Certification which certifies that Gracie & Harrigan Consulting Foresters, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Roosevelt in the previous one year, and that the contract will prohibit Gracie & Harrigan Consulting Foresters, Inc. from making any reportable contributions through the term of the contract; and

BE IT FURTHER RESOLVED that an executed copy of the Contract and a copy of this resolution shall be filed in the office of the Borough Clerk and be available there for public inspection in accordance with the law.

C/Esakoff made a motion to adopt Resolutions 23-107, with a second offered by C/Herrstrom.

Roll Call:

AYES: C/Atwood, C/Esakoff, C/Herrstrom, C/Macher, C/Trammell

NAYS: None ABSTAIN: None ABSENT: C/Hamilton

Resolution 23-107 has been adopted.

- 2. Rail System for Hanging Art: Dave Herrstrom, 15 Farm Lane, does a presentation on a Clip Rail system for hanging art work in the meeting room. RAP is paying for the system and installation. Discussion takes places amongst the council members and Dave Herrstrom and Ben Johnson.

Resolution 23-109 Resolution Authorizing the Installation of a Clip-Rail System in the Borough Hall Meeting Room by the Roosevelt Arts Project.

WHEREAS, the Borough of Roosevelt, County of Monmouth, State of New Jersey (the “Borough”) owns and operates its Borough Hall, which contains a meeting room that is available for public rental and community events; and

WHEREAS, the Roosevelt Arts Project is a local non-profit that holds public events and community presentations encouraging and endorsing the arts within the Borough; and

WHEREAS, the Roosevelt Arts Project often utilizes the Borough Hall’s meeting room for such public events and community presentations; and

WHEREAS, the Roosevelt Arts Project seeks to donate to the Borough and install in the Borough Hall’s meeting room a Clip-Rail system for the display of artwork and other media; and

WHEREAS, the Borough desires to accept the donation from the Roosevelt Arts Project and authorize the installation of the Clip-Rail system within the Borough Hall’s meeting room;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey hereby authorizes the Roosevelt Arts Project to install in the Borough Hall’s meeting room a Clip-Rail system for the display of artwork and other media;

AND, BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided by the Borough Clerk to each of the following:

- 1. Borough Purchasing Agent
- 2. Borough Public Works
- 3. Roosevelt Arts Project

C/Trammell made a motion to adopt Resolutions 23-109, with a second offered by C/Macher.

Roll Call:

AYES: C/Macher, C/Trammell

NAYS: C/Esakoff ABSTAIN: C/Atwood, C/Herrstrom ABSENT: C/Hamilton

Resolution 23-109 has been adopted.

PUBLIC COMMENT

M/Malkin opens the public comment at 8:18pm

- 1. Jeb Shahn, 18 Tamara Drive: Discussed the storm on September 10, 2023 fried her TV and wants the Council to figure out a way to recycle electronics in an organized way, possibly a collection place. She had to travel to Howell to dispose the TV. The Council discussed and stated that Millstone has an electronic dumpster. Recycling information will be posted on the Borough website.

M/Malkin closes the public comment at 8:23pm.

C/Esakoff made a motion, with a second offered by C/Herrstrom to adjourn meeting with an All in Favor.

Time Out: 8:23 p.m.

The audio tape is available in the Clerk's Office at Borough Hall.

Respectfully Submitted,

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Kathleen Hart, Borough Clerk

Adopted Date: November 9, 2023